

PROCEEDINGS OF THE BROWN COUNTY
PUBLIC SAFETY COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on Wednesday, April 1, 2015 at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, WI

Present: Chair Buckley, Supervisor Zima, Supervisor Nicholson
Excused: Supervisor La Violette, Supervisor Clancy
Also Present: John Gossage, Jeff Jansen, Supervisor Dantine, Cullen Peltier, Beth Rodgers, Paul Gazdik, Donn Hein, Dave Lasee, Todd Delain, Chad Weininger, Michelle Conard, Neil Basten, John Vander Leest, Holly Malvitz

I. Call meeting to order.

The meeting was called to order by Chair Patrick Buckley at 11:04 a.m.

II. Approve/Modify Agenda.

Chair Buckley modified the Agenda to take the Sheriff's Department portion following Communications.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to approve as amended. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/Modify Minutes of March 4, 2015.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public. None.

1. Review minutes of:

- a. Fire Investigation Task Force (December 18, 2014).

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Communications

2. Communication from Supervisor Dantine re: Have the Department review the \$.75 tax by phone company that used to go to county and now goes to state. This was for 911, police and fire departments.

Supervisor Dantine stated he was doing some investigating on phone bills and found this \$.75 on all of the bills he reviewed. He calculated that if half of the residents of Brown County have a phone and they all pay the \$.75 tax it would amount to about \$750,000 a year that is being taken out of the County pockets. He noted that the County used to receive this tax, but eight or 10 years ago Governor Doyle took all of the money he could from the fund and it is supposed to come back to the County as shared revenue. Dantine continued that shared revenue is what the County works off of but the phone bill says 911 Public Safety. He would like to know what the legality of this is and noted that if you look at fire departments that do inspections for a 2% insurance rebate, it goes back to the fire department in a segregated fund. He feels that the 911 money paid on the phone bills is County money and he would like to know why the money was taken from 911 and put into a different fund. Dantine does not feel this is legal and noted that Wisconsin is the only state he can find that does this. He felt this was a lot of money the County was losing and he felt there should be a way to change this.

Buckley recalled that this was discussed five or six years ago when the County was going through the upgrade to the 911 center. Supervisor Zima also recalled this vaguely. Zima asked if there was any law on this and Dantine noted that that is what he wanted to know. Zima thought this was something the legislature did and he knows that generally democratic administrations are criticized for spending. Zima continued that the idea of taking the money away and giving it back to the County in shared revenue gets lost in the details and it never actually comes back.

Buckley asked if Dantine if he has talked to Corporation Counsel on this and Dantine stated that he has not. Director of Administration Chad Weininger stated that the Legislative Counsel which is an independent legal counsel for State representatives put a request in for an official ruling on whether or not this is violating any law. Zima felt that it was one thing to find out if it was legal, but he asked what would have to be done to get the money back. Weininger stated that there was an attempt prior to the end of last session to make that change and the telecom industry along with the public safety people are trying to work on a plan that if there is additional revenue to make that change. With the revenue trends, Weininger does not know if that is likely, but he noted that the WCA and others in Madison have been working on this issue and it is one of the priorities to fix. Since this is a revenue source, Weininger stated that what we do not want to do is get that and then take a cut to shared revenue; we want to be made whole so it is a matter of getting both of those pieces together. Peltier noted that this issue is on WCA's legislative agenda and Weininger confirmed this and added that there are some telecoms asking for changes so it is a little bit more powerful lobbying organization pushing for this. Weininger stated that he could talk to the head lobbyist to see where this is at and he also offered to make a request to the state representatives to provide a letter to Supervisor Dantine as to the legality of this matter. Weininger noted that this could also be sent to Corporation Counsel, but he felt that the Legislative Counsel in Madison may have a better grasp on this and may be able to provide a faster response.

Zima felt it would be interesting to note when the change was made and find out what the vote was. If the republicans voted against it when they were in a minority, or if they went along with it, we might as well forget about it. Zima felt if they did vote against it, we should try to get them to right some wrongs. Weininger responded that there were two different proposals on this last year. One was from Andre Jacques and was an attempt to reverse this and the other was a separate bill in session that starting moving. Weininger stated that it was a revenue problem and they did not want to see shared revenue shortened but instead wanted to be made whole. Zima felt that this needs to be dealt with face on by getting the original vote and then send a copy of a letter outlining what the republicans did before and what they should be doing to reverse the wrong that previously took place. He felt this would be the most effective way to get action. He asked Weininger if there was ever a vote on the Andre Jacques bill and Weininger responded that he did not believe so. Zima felt that the republicans have control, they can bring up anything they want for a vote and slip anything they want into the budget, but they can't get around to a vote on something like this. Zima continued that he is happy that Dantine brought this up and appreciated him being a watchdog. Zima did not think it was appropriate to blow this off and felt there needed to be some sort of action that forces their hands. He stated that the local autonomy has been insulted and noted that the County Board handles all of the crap that is thrown at us and have even hired our own people in the DA's office when this is really the State's responsibility along with making do in other areas and becoming more and more resourceful. Zima said it was time to press the issue and he does not want to see any money in their hands. He feels that money is being thrown away day after day after day and then they want to raise taxes and he is getting sick of it. His point is, this tax being talked about is one little thing which amounts to a lot of lost revenue for which the County is not compensated equally with shared revenue. He would find it interesting to see if the shared revenue increased. Zima said again that something has to be done that forces action. He felt that maybe Jacques' bill could be passed if it called for getting this back over a period of time of a couple of years on a sliding scale. He felt there were ways to be creative and inventive to get this money back where it belongs.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to hold for one month. Vote taken.
MOTION CARRIED UNANIMOUSLY

Resolutions

3. Resolution re: Initial Resolutions Authorizing the Issuance of Not to Exceed \$7,575,000 General Obligation Corporate Purpose Bonds of Brown County, Wisconsin in One or More Series at One or More Times (911 Phone System).

Zima shared his opinion on the roundabouts that are included in the resolution. Buckley stated that the Public Safety Committee was only dealing with the 911 phone system. Weininger added that technically the only item before this Committee was the 911 phone system but the County Board would be able to make different motions. Weininger continued that everything is included in the resolution so the Board is aware of what the entire package is, but the motion to approve would be just to approve the initial resolution authorizing the bond not to exceed the \$2,255,000 for the 911 CAD system.

Buckley asked if the \$2,255,000 was an estimate or a firm figure. Public Safety Communications Director Cullen Peltier responded that that is a pretty good number and maintenance costs would be about \$80,000 a year for the phone system and between \$90,000 - \$100,000 for the CAD system over time. He continued that they took the 10 year maintenance costs into account when the RFPs were being scored so everything is based on a 10 year maintenance agreement and he noted that those are up somewhat from last year. Buckley asked what else was coming for the Comm Center after this project was done. Peltier stated that the three pillars are the phone system, the CAD and the radio systems and all of those systems will be brand new. Other than maintenance on the systems and some facility maintenance over time, there are no major capital projects. Zima asked how old the CAD system currently is and Peltier stated that it is somewhere in the area of 14 – 15 years and the phone system is at end of life at the end of 2015 and will not be supported. The CAD system is not at end of life but the company will not be supporting it much longer. Zima asked if the systems would still be functional if they were not supported by the companies that sold them to the County. Peltier stated that the current systems are functional, but eventually there will not be any support, similar to anything else like Microsoft Office when they bring out a new project and phase out the old one.

Motion made by Supervisor Nicholson, seconded by Supervisor Buckley to approve the Public Safety portion of the Initial Resolutions Authorizing the Issuance of Not to Exceed \$7,575,000 General Obligation Corporate Purpose Bonds of Brown County, Wisconsin in One or More Series at One or More Times (911 Phone System). Vote taken. MOTION CARRIED UNANIMOUSLY

Public Safety Communications

4. Budget Status Financial Report, December, 2014 (unaudited).

Public Safety Communications Director Cullen Peltier reported that what is included in the agenda packet is one-third of the picture and shows an \$8,000 overage for 2014 but he noted that that is just the public safety portion of it. The emergency management portion is not included in the numbers and when you add the emergency management and combine it with the public safety communication portion they are actually \$10,000 to the good. However, the pass through grant from port where the pass through agency submitted the paperwork prior to the deadline and did not have all they needed from the County and the County was then on the hook for the \$53,000 has to be included. The end result after the grant issue is an overage of \$43,000.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

5. Budget Status Financial Report, January and February, 2015.

Peltier stated that their personnel costs are typically low in January and February and they are well within budget at this time.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

6. Director's Report.

Peltier stated that they currently have two open positions for which they will be hiring soon. He also noted that there will be a retirement on May of a 25 year employee. Further, vendors have been chosen for the phone system and the CAD project and they are in the process of negotiating contracts on these projects.

Peltier continued that National Telecommunicator Week is April 12–16 and they will be holding a ceremony on Thursday, April 16 at 4:00 p.m. He also noted that week is Severe Weather Awareness Week and they will be holding a drill at 1:45 pm. on April 16.

With regard to the Green Bay Police Department report, Peltier felt that progress is being made. They did the monthly report and had about 800,999 transmissions and 41 system busies and Peltier noted that about 25 of those were snow events or on St. Patrick's Day. The monthly report from GBPD includes 13 log complaints which is down from previous months and the last five complaints were with regard to radios, which is something they continue to work on and update.

Peltier concluded his report by informing that Emergency Management Director Paul Gazdik has resigned effective May 4 as he has accepted a position in Washington.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Medical Examiner

7. 2015 Medical Examiner Activity Spreadsheet.

Interim Medical Examiner Jeff Jansen referred to the spreadsheet in the agenda packet and noted that for March they had 64 investigations, three autopsies and five external examinations. They were below on the number of autopsies because several calls constituted the need for only an external exam with toxicology. Jansen continued that there was one autopsy that blew the budget because they spent a lot of money on the officer-involved shooting, but this evened out because the total number of autopsies was down for the month.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

8. Budget Status Financial Report, December, 2014 (unaudited).

Jansen reviewed the report in the packet and stated that the Medical Examiner's office ended up \$6,000 below budget on personnel costs, \$10,500 below budget on operating expenses, \$7,000 above budget on intergovernmental and \$30,000 above budget on public charges. Personnel costs were below because the Chief Medical Examiner and Office Manager did not take part in the benefits. He noted that he is involved in benefits so that will change for next year and he also noted that if the Office Manager remains in the position she will be on benefits next year as well. Operating expenses were below budget because they changed some vendors. Intergovernmental revenue was up due to a shortage of deputies in Door County and them using Brown County deputies which adds revenue to the budget and is paid by Door County. Public charges were up due to increased cremations. Jansen hoped to remain on the same path for 2015 and noted the extra money can be used to accommodate law enforcement with more autopsies and more services to customers.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

9. Budget Status Financial Report, January and February, 2015.

Jansen reported that the Medical Examiner's Office is running pretty close to where they are supposed to be for costs and expenses. The intergovernmental revenue is up slightly due to deputies from Brown County filling in for Door County. That should hopefully be coming to an end soon as Jansen said he is doing interviews to hire new deputies in Door County and they are also looking to hire one additional deputy in Brown County.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

District Attorney

10. Departmental Openings Summary, March, 2015.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to hold until the May, 2015 meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

Clerk of Courts

11. Budget Status Financial Report, December, 2014 (unaudited).

Clerk of Courts John Vander Leest, Financial Operations Manager Neil Basten, Chief Deputy Michelle Conard and Office Manager Holly Malvitz addressed the Committee. Vander Leest addressed the items in the 2014 budget status financial report in a letter, a copy of which is attached. He indicated that the Clerk of Courts is over budget by \$296,000.

With regard to the traffic cases dismissed in 2014 as shown on the letter, Vander Leest explained that a lot of those are things like operating after revocation or suspension or not having proof of insurance. The feeling within the Court system is that once these items are produced, the Court dismisses the cases. Buckley stated that this happens every year and is not unique to 2014. Basten noted that this was the average number of cases dismissed on prior years and noted that it contributed in prior years to budget shortfalls. Buckley understood this, but noted that every year they would be short this and therefore he did not feel this could be used as a shortfall per se. Buckley stated that when tickets are written, many times tickets are piled on and a judge will drop some of the tickets. Vander Leest stated that there have been discussions with the DA's office to keep at least one ticket in this instance because there are a lot of costs associated with processing, mailing, court time, etc.

Nicholson would like to see these issues addressed one by one. With regard to charges and fees in the first part of the letter, he asked Vander Leest to explain what these shortfalls are from. Vander Leest explained that they have a budget each year for what they want to collect for charges and fees. Buckley felt that those numbers were over-estimated in an attempt to help balance the budget. Vander Leest stated that they have identified that some costs are being remitted by the Court and they are then not collected. This is done at the discretion of the judge. Vander Leest continued that there are some judges that remit most of their costs and therefore they are not requesting any revenue to help offset costs of the Clerk's office. Zima asked why costs are remitted and Conard explained that it typically depends on the financial status of the defendant. She explained that if someone has a public defender, they fall within poverty guidelines. She noted that they are seeing more and more public defender or court appointed attorneys and fewer private pay attorneys. Nicholson would like to know if the private pay attorney defendants are still having tickets dismissed. Nicholson asked if judges are dismissing all charges and Conard said that they are still convicting people, but they are writing off some of the costs. Conard stated that this year the State mandated that there be new costs imposed of \$200 for misdemeanors and \$250 for felonies for a DNA surcharge. She stated that today is the first day that DNA upon arrest goes into effect, but the assessments were being charged for this long before the DNA upon arrest when into effect. Some judges felt it was unconstitutional to impose the costs when the law was not in effect. Vander Leest reiterated that it is the judge's prerogative to write off costs. Zima asked if this was broken down to by party lines and Vander Leest stated they know which judges are writing costs off. Zima asked which branches they were and

Vander Leest responded that it is mainly Branch 4, Judge Kelly, who handles criminal and civil cases. Vander Leest stated that he has talked to the judge on this and has been informed that the judge does not believe he is a revenue generator for the County. Nicholson stated that this sounds like the judge would rather have the taxpayers pay for someone in the Court system and he would like to see Judge Kelley at the next meeting to address this. Vander Leest noted that the judges are elected by the taxpayers and to have a meeting with the Public Safety Chair or members of the Committee may be a better way to handle this.

Zima said these administrative costs are built into the system and Vander Leest agreed and indicated that two-thirds of the Clerk of Courts' budget is from fines, fees and forfeitures and without those things, they would be millions of dollars short. Zima noted that there are a lot of things that the taxpayers pay for that they do not benefit from. Basten noted that even if the judges do assess the costs, there is still the job of collecting the costs which is a whole new battle. Vander Leest felt this is something that should be taken up with the judges individually as he did not wish to speak for them.

Buckley asked if anyone knew why Judge Atkinson was not in attendance at the meeting. Administrative Assistant Holly Malvitz indicated that Judge Atkinson had asked her to read a letter from the Judge, a copy of which is attached. Basten stated that Judge Atkinson has had conversations about fines with Judge Kelley and although Basten did not want to speak for the judge, he stated that the basic answer was "you're not going to tell me how to run my courtroom". Zima wondered if we were trying to get too many pounds of flesh from these people, but Nicholson stated that the Court system is a revolving door for many people and you see the same people in court time and time and time again and then you see their kids get into the system. Nicholson is fed up with this. Zima noted that there is a general cost to running a government, but constantly putting the hammer on people who are unable to pay may not be the answer. Nicholson disagreed with this. Vander Leest reiterated that the best way to handle this is to speak to the individual judges. Buckley felt that Judge Atkinson, as the presiding judge, has to have a role in this given his position. Basten added that they get a state grant to help offset some of the costs of the judicial assistants. That money comes to the County by the costs being funded so whatever traffic ticket is issued, a portion stays with the County and a portion goes to the State and in turn the State turns around and gives some of the money back to help offset the judicial assistant salary costs, so the costs that are being remitted means less money going back to the State which adds to the hole.

Buckley suggested an open forum by having a special meeting with the judges. Nicholson felt this would be beneficial. Vander Leest responded that he has had discussions with the County Executive that when you have a system with a lot of moving parts, decisions are made that impact other parts that do not have the backgrounds on the others and the County Executive suggested that all parties be brought together to brainstorm and discuss how to change the process so that all of the parties know what others are doing in an attempt to improve the budget. Nicholson asked if Vander Leest would put that meeting together but Vander Leest felt the County Executive should do this as he suggested it. Buckley asked Vander Leest to work with the County Executive to get this together.

Basten also stated that this is not just about the judges. He said that for the last three years they had a Clerk that didn't give a hoot about this and just told Basten to get the budget to balance and did not give any support to the process. After the last Clerk left Basten and Judge Atkinson worked very hard on the budget to get it to a point where it made sense and they went back to the County Executive who gave more money, but the Public Safety Committee took it back away at budget time.

Nicholson felt that these budget problems started before Jason Beck was the Clerk. He indicated that former Clerk of Courts Lisa Wilson could not answer any questions the Committee had. When these financial issues were addressed Judge McKay would not let Wilson talk when the Committee asked questions. Nicholson wanted to hear from Wilson as to what was going on and how she was going to change it. Basten has been in his position for eight years and Nicholson asked him what he has seen and what should change so the Clerk of Courts office is not constantly asking to be bailed out. Basten responded that the biggest thing he has seen was back in 2010 when the Clerk of Courts took on the GAL costs. He noted that their levy number before that was \$570,000. The next year, almost a million dollars of expenses was transferred from the Courts budget to the Clerk of Courts budget and since the Clerk of

Courts was going to take on the revenue they were also given the expenses under the theory that it should be a wash. Basten stated that the Clerk of Courts levy number doubled and in 2010 they returned \$7,200 to the general fund. In 2011 the levy number went down a couple hundred thousand dollars and they were short \$6,800. In 2012 the levy went down \$300,000 and they ended up being \$349,000 short. The levy number keeps going down and they are now at a point where they are only \$105,000 over the tax levy number that they had in 2009 which was prior to the Clerk of Courts office having the GALs in their budget. He continued that the GAL expense keeps going up.

Nicholson asked Basten what he would suggest to handle the GAL issue. He felt that the GALs are overcharging. Basten stated that the GALs only get \$70 per hour but acknowledged that there may be some fluff in their bills. Basten stated that there is a Committee meeting with the judges and they are going to start digging in. Currently there are deposits that have to be made and there is a waiver process and they will be re-evaluating all of these things in an attempt to get this under control.

Conard stated until Rule 800 is changed the Clerk of Courts can only do so much. Judges are the only ones that can change Rule 800, which is the local Court rules for Brown County. Vander Leest stated that the judges set the rules and then the judges work from those. Vander Leest felt if the GAL costs can be brought under control and be managed better, the overage could be cut in half. Vander Leest continued that there are two parts: one is controlling how large the bills are and the second part is to collect so they are not short. The best case scenario is that the parties pay their deposits and the GAL is paid and there is no shortage. He noted that if there are waivers they may only collect \$25 from the parties and the GAL bill could be \$5,000 and the GAL is paid and then the Clerk of Courts has to attempt to collect on the remainder of the bill. This starts to add up when there are a number of these cases every year.

Vander Leest stated that from the discussions he has had with the court commissioners and judges, they feel that the parties have a right to be provided with a GAL. Vander Leest noted that it is a right, but he also feels that there needs to be some controls on how many hours can be spent on a case. Buckley asked what the purpose of a guardian ad litem is and Conard responded that a GAL is there to represent the best interest of the children. Buckley felt that by throwing another attorney into the mix, the matter just becomes more complicated.

Vander Leest stated that the law states that a GAL *shall* be appointed. There have been discussions about the possibility of having the legislature to change *shall* to *may* because for repeat people that keep coming back into court a number of times, the bills start all over again. Vander Leest stated that one idea would be for the Board to do a resolution supporting the change in state law, but the law would have to be changed so the judge can decide if they want a GAL or not. Many times when judges have already dealt with the parties, they may not appoint another GAL as they feel they have already received enough information. Buckley asked how many cases may be repeat cases and Vander Leest could not say for sure, but it does happen. Nicholson felt there would be great savings if GAL's were alleviated and decisions were made by the judges after hearing both sides, like it was done in the past. Vander Leest reiterated that under the State law judge *shall* appoint a GAL in custody issues but there is certain criteria they follow in the process of appointing a GAL. He noted that other states have language that they *may* appoint instead of *shall* appoint. Buckley asked how the judges felt about changing *shall* to *may* and Vander Leest responded that one of the judges gave him the idea of changing the language from *shall* to *may*, but he did not know if all judges agreed with this. Zima did not feel that judges would go out and investigate cases and give themselves an opinion. Buckley asked what the requirements of a GAL were and it was indicated that the GAL had to be an attorney in order to be appointed. Basten stated that if the parties do not have a waiver for the GAL deposit, each party pays a \$700 deposit which is 20 hours of work that the GAL is able to do. It could be more or it could be less, but if it is going to be more, the GAL is supposed to petition the court and they are seeing this happening a little more often. Basten continued that the non-waiver cases are not as big of a problem as the waiver cases. The GAL committee is trying to establish a set of guidelines for the waiver clients where they get a certain amount of time to handle the case and if more time is needed, they have to petition the Court for approval. Zima recalled an early suggestion that one of the ways to cut down on the amount of bickering among the parties might be to change the rules to say that every time they come back into Court they have to pay a higher percentage of the GAL fees upfront. Vander Leest

responded that there have been some discussions with the court commissioners to raise the minimums as the \$25 is pretty low. Vander Leest would like to see the minimum raised to \$100 as that may help alleviate some of the frivolous cases, but this is something that would have to be set by the judges.

Buckley asked when the GAL committee is meeting and who is on it. Holly Malvitz read the letter from Judge Atkinson referred to earlier that outlines this to the Committee. Vander Leest stated that he and Basten will also be part of the GAL committee.

Vander Leest felt that this was a two part problem. First is trying to develop the collection process and second is what are the reforms that are needed to control the costs. Vander Leest felt that both the waiver amounts and the amount of hours a GAL can work on a case needs to be looked at. Without this, he felt that GAL's can create as large or complex case as they want.

Malvitz stated that she worked for Judge Zuidmulder before becoming the Office Manager and that Judge Zuidmulder would occasionally refuse to sign GAL bills that he felt were too large. Vander Leest said that the judges are looking at the GAL bills closer now and doing some things to help get this under control. Vander Leest stated that he has also had to let some attorneys know that they are not authorized to work on a file. Buckley felt the judges need to understand that it is not an open checkbook anymore and there is a cost to run the courts. Zima asked if there are some GALs that are more efficient than others and Vander Leest stated that some have lower bills than others. Zima felt that GALs that are overcharging should no longer have cases assigned to them. Vander Leest noted that the Court does not have much control over how large the GAL bills become. Buckley felt that contracting for GAL's may be a way to go and Vander Leest noted that this would have to be determined by the judges. Conard noted that there are GALs for probate, juvenile cases, paternity and family cases and the highest amount is with the family divorce cases, but then a determination would have to be made as to the GALs on the other matters if this is something that was to be contracted out. Buckley felt that there were other counties in the same situation and Vander Leest responded that Kenosha County has recently moved to the contract basis. Buckley felt that if things change in Madison it will take a lot of control away from the judges, so they can either try to work with the County or the County can start lobbying to have more regulations put in place on the judges to let them decide the case without GALs involved.

Nicholson asked when Rule 800 was created and Basten stated that this was revamped last year. He stated that the deposit amount was less before it was revised and it has now been set at \$700 per party. Nicholson continued that Vander Leest's letter states that some judges are holding hearings to collect on past GAL bills and he asked if this has been successful. Basten responded that there are several branches currently doing this and several others are waiting to see what type of success rate this has. He continued that Branch 1 (Judge Zuidmulder), 2 (Judge Walsh), and Branch 8 (Judge Atkinson) are the three that have done it and so far about \$6,200 in past due bills have been paid. Basten stated that he and Vander Leest have sat in in these hearings and usually they have about 20 cases on at a time and about 6 – 8 people actually show up. Typically it is people who have had a waiver and did not read the small print and did not know that they still owed the fees. Some of these people are setting up monthly payment plans. Judge Atkinson currently has \$760 worth of payment plans set up which covers about \$10,000 worth of cases. Judge Walsh currently has about \$600 - \$700 in payment plans set up for \$19,000 worth of cases. Most of the payment plans start in mid-April.

Zima asked about the possibility of tax intercepts and Basten stated that he does that as well, but Vander Leest noted that on some of the cases there are other intercepts ahead of the County. Basten does the state tax intercepts every week to try to keep above the others. Conard noted that on one of the tax intercepts Brown County was listed as debt 34.

Buckley asked if branches are tracked out by how much they impose in fees. Conard noted that there are criminal case rotations and civil rotations for six judges and the other two have family cases, so it would vary among the branches. Buckley asked if it was glaring that there are some branches costing the County more than other branches for things like not watching the charges on the GAL bills or waiving fines. Basten stated that that information is not tracked, but Vander Leest stated that they have been tracking the cost

remittance for the year. Buckley felt that the judges that are doing it or making a good attempt to take care of their business in their court should be recognized as well as judges that are not taking care of business in their court. If the attitude is that a judge is not there to be a revenue generator, but rather an expense generator for the county, the public should know that. Vander Leest stated that this would have to be taken up with the judges involved. Buckley felt it would be nice to know where the issues are and if there are judges that are doing well in collecting and monitoring GAL fees and only issuing waivers for those who truly cannot afford to pay, that would be okay, but if there are other judges not doing things this way, this should be brought to the public's attention.

Vander Leest responded that he cannot speak for the judges, but he did meet with them and the collection process was brought up first by Judge Walsh but all of the judges expressed an interest in doing it. Right now they are just trying to get the process established. Buckley asked if there was a report that could be provided as far as what each branch is collecting and waiving. Zima would like to be able to keep track of who is addressing these issues by court branch.

Nicholson asked Vander Leest if there was a way for him to bring his ideas and initiatives to this Committee prior to budget time. Vander Leest noted that the process is ongoing and the judges are engaged on the issue and he felt that he can come back with a written plan as to what can be done to improve 2016's budget and get some of the other stakeholders involved. Zima would like to see a spreadsheet of what the GAL collections were last year compared to this year by branch. Nicholson felt that it appeared that the different areas of the courthouse are working on their own like little kingdoms. Vander Leest noted there are eight circuit court judges, court commissioners, the DA's office, probate, juvenile, Clerk of Courts and Child Support and the Sheriff's Department all involved and what decisions are made by all of those entities impacts the Clerk of Courts' budget. It is difficult to say they will make a change without having support from the other interested groups. Vander Leest noted he cannot do things unilaterally without having support from everyone.

Zima asked about situations where judges do not assign costs. Vander Leest stated that the fees they get back are mainly from criminal cases. Basten explained that for an OWI, the state mandates what the fine is and it is based on the number of offenses and the BAC. He noted that Judge Kelley is not remitting those types of fines. Basten noted that if someone is issued a traffic ticket for \$200, probably only about \$10 of that actually stays with the County. Basten noted that that is why they are working the GAL bills so hard because it is 100% county money.

Buckley felt that what is needed from the Clerk of Courts as well as the Courts is a monthly progress report. Malvitz stated that all of the judges want to be collecting the money, but the process has to be followed that meets State requirements. Basten noted that there is no authority for a judge to issue a warrant for a civil judgment taken on GAL bills. Zima noted that just because there is a judgment, doesn't mean it is collectible. Buckley felt that it is very important to find a way to control the costs for GALs before they get out of hand.

Nicholson asked if there is a way to find out who the participating attorneys are as far as GALs and the dollar amount these attorneys are charging. Basten stated that this could be broken down by law firm. He would like to see the list. Conard asked if he also wanted to see data on the private pay vs. court appointed vs. public defenders and Nicholson stated that he did.

Basten asked for clarification from this Committee as to what they want to see on a monthly report. Zima stated they would like to see by branch what is being collected and what is being waived compared to what is being assessed. Zima would like to see last years' figures to get a standard of comparison.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to make this a standing agenda item every month until the end of 2015 for representation from the Clerk of Courts and Courts to provide monthly updates including various reports as requested by this committee. Vote taken.
MOTION CARRIED UNANIMOUSLY

12. Budget Status Financial Report, January and February, 2015.

Buckley asked Basten to provide this Committee with a report in May or June with regard to what was collected on tax intercepts. Basten stated that he would do this.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

13. Letter from Clerk of Courts re: 2014 budget (to be provided prior to the meeting).

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

14. Clerk of Court's Report.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Sheriff

Although shown in the proper format here, the Sheriff's portion of the agenda was taken following Item 3.

15. Budget Status Financial Report, December, 2014 (unaudited).

Sheriff Gossage thanked the Committee for amending the agenda as he had another commitment to get to.

Sheriff Gossage noted that the Sheriff's Department is returning \$431,921 to the general fund from their 2014 budget. He noted that the figure is actually a little higher, but the casual return which was \$153,000 goes back to the Human Resources budget. Chief Deputy Todd Delain explained that the money is allocated and HR takes all of it and dispenses it, and because the Sheriff's Department is under budget, if they needed the money it would come from HR back to the Departments that need it to make the payout, but this is more of an accounting thing. Gossage noted that the point is that the Department still ran under budget and was able to run efficiently.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

16. Budget Status Financial Report, February, 2015.

Gossage reported that the Department is currently running under budget. There is not a whole lot of activity in the January, February time frame but Delain will be running a quarterly status for the next meeting which will give a better understanding of where the Department is at financially. Some of the concerns are the inmate phone revenue. The federal government has taken a lot of that revenue away through the FCC by what can be charged for inmate phone calls. He continued that the Kilo pod remains closed which helps maintain overtime costs. Currently the jail is at 89% capacity and is running efficiently, but they are always looking for ways to lower the inmate population.

Zima asked if the jail population would be higher without the Drug Court and Gossage indicated that it would. He stated that there are still people on the Jail program that are on the EMP program, but they do not take up bed spots. Gossage noted at any time they typically have three or four on Drug Court that are serving time, but noted there are other alternatives for diversions for incarceration and they will be looking at things such as day report centers and trying to balance it out for the lesser offenders who have a small jail sentence to serve. Zima asked what the highest jail population has been and Gossage recalled it to be 95-96% which includes people on the floors, which is allowable in the DOC contract, but they are leery at maintaining it at this level. Delain explained that it is nearly impossible to be at 100% without already having people on the floor because in the punitive segregation pods, you can only have someone in those

cells if they meet certain criteria. The cells are required for those people, but can only be used under certain discipline requirements, so 94-95% really is full.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

17. Update re: Jail Staff Protective Status. *Motion at March Meeting: Hold for one month and encourage Committee members to call their representatives.*

Gossage reported that a conference call is being held this morning with Representative Boren who will be drafting the legislation. Gossage will be updated by the BSSA Chairman as to what is going on. He continued that Representative Boren wants to have a statewide mandate which would allow counties to decide who pays the additional costs and allow employees to opt out of protective occupation status if need be. The opt out provision would be hammered out and an employee could opt in or out. Gossage stated from his perspective, whenever you mandate every county to do something a certain way, it is going to fail due to variances in counties. Gossage continued that the WCA is taking the stance that they want to have a statewide mandate and do not want the autonomy of each individual county to make the determination whether or not they designate their staff as protective employees. Zima felt it was time to send the WCA notice that Brown County would not send dues any more.

Gossage continued that the other option is to have the employee pay the portion or allow the counties that want to participate to pay the portion. Zima stated that that is what the Board asked for and the other option is dooming it to failure. Gossage felt this was somewhat of a ruse and he is trying to get to the core. He felt it was simple: allow the counties the discretion to opt their jail employees as protective status and then the County Board which has the fiscal responsibility of overseeing the expense can pay it if they see fit.

Zima stated that this is what the Board asked for and wondered how it got turned around. Buckley thought a resolution to WCA clarifying what we are looking for may be appropriate. Zima stated that if WCA does not turn this around, he will no longer vote to pay the dues. He felt this was diabolical and all Brown County is asking is for is those who want to participate be able to participate and this would not hurt anyone else. A mandate does not make sense to him. Gossage continued that the WCA met with them early on in this legislation and said they would maintain neutrality on this issue and did not want to take a stance, but when the County wanted to be allowed to make that determination to have the autonomy to designate those positions as protective status, there was a change in the environment and WCA has taken a stance, but it needs to be a mandate or they will not support it. Zima would like to see a letter be sent to the WCA that the County Board will lead the fight to take the dues away from them and they can operate all by themselves in a vacuum if they want but they are not getting any more money from Brown County. Zima found this absurd and compared it to dirty pool. He continued that the way this is being proposed is doomed to failure and Brown County has been spinning their wheels for nothing. Gossage stated that early on Representative Macco and Representative Steffen were initially supportive of the protective status in concept and were going to be signing on to it when Representative Boren was initially going to draft the legislation.

Gossage continued that the problem is that we do not even know what the language is going to be and what will be entailed in the document. He felt there were a lot of other driving forces driving Representative Boren such as other representatives weighing in on it as to how their individual districts are being handled. Zima said the way we want it does not hurt anyone and this should be a no brainer. Gossage agreed with Zima and stated he is on a mission to continue this fighter regardless if it is backed by the State.

Buckley suggested that Weininger draft a resolution to WCA but Weininger responded that it may be better to come from Corporation Counsel as to how the Board feels about this. Weininger responded that realistically if Representative Boren is drafting the legislation now, time is of the essence and Corporation Counsel may be where to forward this to. Buckley would like to see a resolution go to WCA as they are not

looking out for what Brown County wants as a county. He asked who within the group at WCA went from not having anything to do with it to now dooming it to fail. Gossage said that it was his understanding that it went to a vote with the Board of Directors and the Board of Directors then supported the idea of a statewide mandate. Buckley felt we need to send them a message that we are not happy with their vote and Zima said they should also let them know that we intend to take the money away.

Weininger stated that one of the issues is to ensure that the legislation did not reopen the collective bargaining piece. Gossage stated that he could address that and noted that this issue was addressed by Hamilton Cook who stated that Representative Boren and the legislative counsel did not believe there is a need for language that specifically prohibits collective bargaining for county jailers, another component that the WCA had in their proposal. The reasoning is that the change made under the bill would not impact the collective bargaining statute. There seems to be some misinterpretation by WCA or prior legislative counsel and the WCA to work that piece out. Gossage noted that the resolution signed by the Board did not have the collective bargaining piece in it.

Buckley reiterated that he thinks we need to send a message to WCA because they are setting this up to fail. Buckley would like to see a resolution sent to the WCA addressing what we wanted to see initially and clarifying Brown County's stance and displeasure on how they are voting.

Gossage continued that when he sent out information regarding Representative Boren's legislation he also sent out the resolution from the County Board supporting the initiative and it has been part of his piece every time he talks in Madison so people are well aware of the fact that 26 County Board Supervisors support this. Zima felt that no matter how clear we make it, people want to twist it around and doom it to failure. Buckley felt that WCA is sticking their nose in it too help it along to fail. Zima asked who ran the WCA and Gossage responded that it was Mark O'Connell and Zima felt he should be contacted to let him know that the dues will be taken away if they are not going to help with the County's request. Gossage said this was nonsensical to him because it is non-punitive to those counties that do not want to participate.

Motion made by Supervisor Buckley, seconded by Supervisor Zima to hold for one month and send this item to the Director of Administration and Corporation Counsel to draft a resolution that will be handled at a special meeting the week of April 6, 2015. Vote taken. MOTION CARRIED UNANIMOUSLY

18. Sheriff's Report.

Chief Deputy Todd Delain indicated that they are once again working on the building. The concrete should be poured today and the timeline is for the building to be completed by the end of May, including asphalt, but he noted that this is weather dependent. Buckley asked where the asphalt was coming from but Delain did not know specifically where it was coming from and noted that specifics were included in the contract.

Delain continued that the Department of Revenue has sent out notices that the County needs to be collecting state tax on the EMP program and they are working on the details and will have more information available at the next meeting. Delain stated that although they are in preliminary stages, the Sheriff and he will likely be back in front of the Committee to get clarification on some of the fees as they relate to how much is related to pay to stay and operational fees as opposed to EMP. He noted that everyone in the Jail pays \$20 per day for pay to stay, and the EMP program is an additional \$3 - \$4 per day and after having a lot of discussions on this he felt that the County should only be paying the taxes on the additional EMP charges. They may have to clarify the fees to make it clear that every inmate pays the \$20 and the additional fee is for the EMP. He is doing research on this to ensure compliance with the Department of Revenue as well as to ensure that the County does not pay more taxes than necessary.

Zima asked Delain if he felt this would serve as any type of deterrent. Zima said that he always found it fundamentally wrong to be sent to Jail and then also have to pay for your punishment. He felt that those on Huber should pay something as they are out earning money, but the rest do not seem like they are at the top of the totem pole of society to start with and he asked how those people ever crawl out of the hole

if the County takes judgments against them. Delain stated that they collect on some of it but the rest is not collected. Delain stated that some may at times not be able to pay, but they are able to get money for canteen to buy things they want in the Jail, so a portion of what comes in goes to pay for their pay to stay and he thought this was roughly 25%.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Circuit Courts, Commissioners, Probate

19. Budget Status Financial Report, December, 2014 (unaudited).

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Emergency Management – No agenda items.

Other

20. Audit of bills.

Motion made by Supervisor Zima, seconded by Supervisor Buckley to pay the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

21. Such other matters as authorized by law. None.

22. Adjourn.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to adjourn at 1:12 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary

CLERK OF CIRCUIT COURT

100 SOUTH JEFFERSON STREET
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600
TELEPHONE (920) 448-4155
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JOHN A. VANDER LEEST
CLERK OF CIRCUIT COURT

Dear County Supervisor,

I want to thank everyone for the welcome and help in my adjustment as Brown County Clerk of Courts. We have many great employees dedicated to Brown County and its citizens.

Recently I met with the County finance department to review the 2014 budget results for the Clerk of Courts department.

The Clerk of Courts budget was over budget by approximately \$296,000. This will require a budget transfer from the Brown County general fund to cover the short fall.

Part of my constitutional duties as Brown County Clerk of Courts is to keep the Court and Clerk of Courts informed about the Clerk of Courts finances and identify opportunities to improve our finances. Keeping everyone informed about these issues is the first step toward improving the situation. Much like a family budget, there might be opportunities for cost savings, cost controls and new revenue streams.

I'd ask for your support as well to help improve the Clerk of Courts budget in 2015.

Below were the major shortfalls for revenue and expense overruns for 2014.

Revenue (shortfalls)

- *Charges and fees Clerk of Courts* - \$81,006
 - ✓ Costs remitted by Court
- *Penal fines for civil fees* - \$75,365
 - ✓ Costs remitted by Court
 - ✓ Collection of traffic tickets down
 - ✓ 1,700 Traffic cases dismissed in 2014
- *Charges and Fees Court* - \$19,027
 - ✓ Small Claim filings are down about 936 cases from average
- *County Ordinance forfeitures* - \$15,171
 - ✓ Forfeiture ordinance cases filing are down about 190 cases from average
- *Bail Forfeitures* - \$12,216
 - ✓ Cash bonds can be forfeited to Brown County when the defendant doesn't comply with bond stipulations. This account is difficult to budget for

Total revenue shortfall - \$190,863

Expenses (over runs)

- Guardian Ad Litem Probate - \$71,590
 - ✓ Increase in # of guardianship review cases
 - ✓ Large GAL bills for contested guardianship cases – cost controls needed
- Attorney Fees - \$60,759
 - ✓ Court appoints an attorney if the party doesn't qualify for a public defender and can't afford to pay an attorney. Court seeks reimbursement, garnishments are required
 - ✓ Several large attorney bills that have gone unpaid, Brown County continues to try to collect using tax intercepts
- Guardian Ad Litem – Family and Paternity - \$59,780
 - ✓ Large GAL bills for parties with deposit waivers. Our largest unpaid GAL bills typically involve a deposit waiver by one or both parties. Costs controls are needed to control bills for cases with deposit waivers
 - ✓ More reforms to Rule 800 to help manage our future costs
 - ✓ Some Judges are holding hearings to collect on past due GAL bills
- Interpreter Service - \$8,434
 - ✓ The State reimburses Counties roughly 63% of this expense
- Guardian Ad Litem Juvenile - \$4,776
 - ✓ Parents typically don't have assets or income to pay GAL bills
 - ✓ Parents who request adverse counsel can be vetted for ability to pay

Total expense over run - \$105,337

• **Overbudget - \$296,200**

I've created a cost savings and efficiency committee chaired by Neil Basten to review cost savings ideas submitted by Clerk of Courts staff.

If you have ideas on a particular budget area, please let me know by email or by calling my office at 920-448-4179. I'd be happy to meet with you to discuss your ideas fully.

Making changes to live within a budget and enacting reforms are everyday actions we take within our own lives, so I fully expect that we can meet this challenge too and continue to provide great service to Brown County taxpayers.

Best regards,


John A. Vander Leest
Clerk of Circuit Courts

WILLIAM M. ATKINSON

Presiding Judge
(920) 448-4129



HOLLY MALVITZ

Administrative Supervisor
(920) 448-4146

CIRCUIT COURT BRANCH VIII

BROWN COUNTY COURTHOUSE
100 SOUTH JEFFERSON STREET
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600

March 31, 2015

Brown County Public Safety Committee
c/o County Board
P.O. Box 23600
Green Bay, WI 54305-3600

Dear Committee Members:

The Brown County Circuit Court Judges have created a subcommittee to address the issue of Guardian ad Litem fees. Committee members include Honorable Donald R. Zuidmulder, Honorable Marc A. Hammer, Honorable John P. Zakowski, Honorable Timothy A. Hinkfuss, and Court Commissioner Phoebe A. Mix.

We anticipate completion of our review within 60 days.

Sincerely,

A handwritten signature in blue ink that reads 'William M. Atkinson'.

William M. Atkinson
Presiding Judge

WMA:sam